

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 2002P18146WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/12292	International filing date (<i>day/month/year</i>) 04.11.2002	Priority date (<i>day/month/year</i>) 31.10.2002
International Patent Classification (IPC) or both national classification and IPC H04Q7/38		
Applicant SIEMENS AKTIENGESELLSCHAFT et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13.05.2004	Date of completion of this report 14.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Schweitzer, J-C Telephone No. +49 89 2399-8963 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 02/12292

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-8 received on 22.10.2004 with letter of 21.10.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1 - 8
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1 - 8
Industrial applicability (IA)	Yes: Claims	1 - 8
	No: Claims	

2. Citations and explanations

see separate sheet

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Concerning section V:2 (reasoned statement under Article 35(2) PCT)

The following documents (D) are referred to in this report:

D1: WO-A-92/16077 (Motorola)

D2: WO-A-97/30561 (Ericsson)

D3: US-B-6 240 285 (Blum et al.)

D4: GB-A-2 360 176 (Sagem)

D5: WO-A-01/89250 (Siemens)

D6 : FR-A-2 787 278 (Alonso)

Preliminary remarks concerning the clarity of the claims.

Claim 1 as amended now defines that the emergency call routine "can be activated remotely" before the location and identification of the device is carried out. However, it is not clear from the present wording of claim 1, nor can it be understood from the general indication given on page 9, second paragraph, how this particular claimed embodiment can actually be carried out, considering that the "remote emergency activation" obviously requires the presence or the set-up of a communication link between the device and the safety control center. Thus, it is not clear how said newly added feature can be performed before the other steps/features defined in claim 1 concerning the search and selection of a communications network are carried out. Actually, the method of the alleged invention appears to make only sense if the emergency routine is activated "locally", e.g. by means of a safety or security button, as described in the application.

Thus, in view of the above remarks, the above-mentioned unclear feature "which can be activated remotely" will be disregarded for the purpose of the following examination.

Inventive step

Methods for locating a communication device, whereby an emergency call routine is activated, wherein at least one available communications network at the location of the communication device is detected (by a mobile phone) and an emergency signal is then sent over said previously detected network, whereby in case that more than one

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network is detected, one of them is selected, are arguably well-known in the art and disclosed e.g. in any of the above-cited documents **D1** to **D4**.

In particular, in citation **D1**, see page 7, line 10 to page 8, line 15, a mobile phone being in the range of two different communications systems selects a first system for sending an emergency signal allowing to determine its location. If no acknowledgement is received from said system, the emergency signal is sent to the second system, it being clear that in case only one network is available, said network will of course be used to send the emergency signal. Similar considerations apply vis-vis the other cited references **D2** to **D4**, as any of them also teaches the generally claimed idea of selecting a particular communications network for initiating an emergency call, see the passages thereof quoted in the search report. Reference is particularly made to **D4** which mentions the use of an "emergency call network" which is used in case the preferred/primary (cellular) network is not available, as described (but not claimed) in the present application.

Thus, the method of claim 1 (interpreted as indicated above) differs from the one taught by **D1** (or any of **D2** to **D4**) merely in that it additionally comprises the step of identifying the communication device. However, apart the fact that this feature appears to be quite obvious to a skilled person, as the "caller identification feature" is well-known and commonly used in the art, this feature is also to be found in (the applicant's) document **D5**, wherein it is explicitly stated that additional information, like the phone number of device sending an emergency call, can be transmitted, see on page 5, lines 6 to 12.

Thus, from the starting point of **D1** (or any of **D2** to **D4**), the skilled person aware of the teachings of **D5** or simply applying his general knowledge or technical competence, would be able to arrive at the subject-matter of claim 1 without performing any inventive step.

The subject-matter of claim 1 hence does not involve an inventive step (Article 33(3) PCT).

The above inventive step objection equally apply to the corresponding independent device **claim 5** as well as to system **claim 8**, which hence also do not meet the requirements of Article 33(3) PCT.

The dependent **claims 2 to 4, 6 and 7** appear to add nothing of inventive significance to claims 1 and 5, respectively, as the additional features introduced by said

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dependent claims refer only to minor implementing details which are known or directly derivable from the above-cited prior art references, e.g. the fact that one of the networks is a cellular network allowing thus a speech connection to be established (as per claims 3, 4 and 7) or the provision of transponder stations (as defined in claim 2) from citation **D6**, see the abstract, or fall within the general knowledge or technical competence of a person skilled in the art, e.g. the provision of an "emergency button", as per claim 6.

Thus, the dependent claims presently on file, either alone or in combination, appear to add nothing of inventive significance to those claims to which they are appended and, therefore, these claims cannot be considered to offer a basis for an inventive claim.

General remarks concerning the form and contents of the application

Claim 1 is not drafted in the proper two-part "characterised" form recommended by Rule 6.3.(b),(I),(ii) PCT, having a preamble that correctly reflects the nearest prior art, presumably that represented by the above noted **D1**.

In order to meet the requirements of Rule 5.1.(a),(ii) PCT, the relevant prior art documents noted above should have been acknowledged by reference and briefly discussed in the introductory part of the description.

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